

Tuesday, July 12, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

**ABSENT:** None

**CHAIRPERSON LYNN COMPTON LEADS THE PLEDGE OF ALLEGIANCE.**

**Consent Agenda – Review and Approval:**

**1-25.** This is the time set for consideration of the consent agenda.

**Chairperson Compton:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 25 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Administrative Office Items:**

**1.** Request to adopt recommended responses to the FY 2015-16 San Luis Obispo Grand Jury report titled “Minor Use Permits - An Oxymoron” and forward these responses to the Presiding Judge of the Superior Court by August 1, 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**2.** Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Jason Hargett to the Cayucos Local Area Advisory Board. District 2.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

**3.** Request to approve the advance payment of the County's FY 2016-17 Employer Retirement and Employer Paid Portion of Employee Normal Retirement Contributions to the San Luis Obispo County Pension Trust.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

**4.** Request to approve an agreement with the Nipomo Chamber of Commerce allocating \$4,000 from District Four Community Project Funds – Fund Center 106 to be used for expenses associated with holding the summer concert series July 17th and August 21st, 2016 and the annual October Festival on October 15th and 16th, 2016. District 4.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Clerk-Recorder Items:**

5. Submittal of the County Clerk's Certificate regarding the results of the Pension Trust Election. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - District Attorney Items:**

6. Request to approve a renewal contract (Clerk's File) in the amount of \$86,877 for the term of FY 2016-17 for a Criminal Restitution Compact (CRC) with the Victim Compensation and Government Claims Board and submittal of a resolution authorizing the District Attorney to sign the state agreement and other grant related documents. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-173, adopted.**

**Consent Agenda - Health Agency Items:**

7. Request to approve five FY 2016-17 renewal contracts, with the option to renew for two additional years, with five board and care facilities in the cumulative amount not to exceed \$2,832,425 to provide residential board and care, social support, and outpatient mental health services to adults with serious mental illness. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

8. Request to approve five FY 2016-17 renewal contracts, with the option to renew for two additional years, with five Institute for Mental Disease (IMD) facilities in the cumulative amount not to exceed \$1,588,584 to provide residential and intensive mental health services in locked facilities to adults who cannot care for themselves due to their mental illness. All Districts.

**Dr. C. Hite:** speaks.

**This item is amended, per the addendum to the agenda, to correct the contract amount listed in the agenda subject line that inadvertently did not match the agenda item. The correct amount should read "\$1,350,270" not "\$1,588,584". Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

9. Request to approve two re-appointments and one new appointment to the San Luis Obispo County Health Commission. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

10. Submittal of a resolution amending the Position Allocation List for Fund Center 160 – Public Health by deleting a 1.00 FTE Administrative Assistant and adding a 1.00 FTE Administrative Services Officer I/II. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-174, adopted.**

**Consent Agenda - Probation Items:**

11. Request to approve an amendment to the South County Youth Coalition's state-funded Community

Recidivism Reduction Grant contract to revise the scope of the agreement. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

12. Submittal of request to declare Public Works vehicles as surplus and authorize disposal through public auction. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

13. Request to authorize the Director of Public Works to submit a letter of support for the proposed Cuyama Basin Water District to the Santa Barbara Local Agency Formation Commission. District 4.

**The Board approves as recommended by the County Administrative Officer.**

14. Submittal of a resolution to execute a Master Agreement with the State of California for Federal-Aid Projects and authorize the Director of Public Works and the Deputy Director of Public Works to accept and sign program supplement agreements. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-175, adopted.**

15. Request to amend the FY 2016-17 Fixed Asset List for Fund Center 405 – Public Works Internal Service Fund to add a two-ton truck with service body and 7500 lb. capacity crane at a cost of \$66,000. District 2.

**The Board approves as recommended by the County Administrative Officer.**

16. Request approval of Parcel Map COAL 14-0007 for a lot line adjustment resulting in 4 lots by Chevron Land and Development Company, Cayucos. District 2.

**The Board approves as recommended by the County Administrative Officer.**

17. Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Susan E. Clark for the Nacimiento Lake Drive at Adelaida Road Left Turn Lane Project, Paso Robles. District 1.

**The Board approves as recommended by the County Administrative Officer.**

18. Request to amend the FY 2016-17 Fixed Asset List for Fund Center 405 – Public Works Internal Service Fund to add three printer/copier/scanner machines at a cost of \$21,000 (\$7,000 each). All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Social Services Items:**

19. Request to appoint Suzanne Parker to the San Luis Obispo County Workforce Development Board. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

20. Request to approve a FY 2016-17 new professional services contract (Clerk's File) for Workforce Innovation and Opportunity Act (WIOA) Youth Services with Eckerd Youth Alternatives, Inc. in the amount of \$600,000. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

21. Request to approve FY 2016-17 renewal service contract (Clerk's File) for the Family Ties Relative Caregiver Program with Seneca Family of Services (Seneca) in the amount of \$240,838. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

- 22. Request to approve FY 2016-17 renewal service contract (Clerk’s File) for Direct Family Services and Parent Education with Community Action Partnership of San Luis Obispo County, Inc., (CAPSLO) in the amount of \$509,598. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

- 23. Request to approve FY 2016-17 renewal service contract (Clerk’s File) for Housing Assistance Services with the Housing Authority of the City of San Luis Obispo (HASLO) in the amount of \$100,000. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

- 24. Request to approve FY 2016-17 renewal service contract (Clerk’s File) for Cal-Learn Case Management Services with Community Action Partnership of San Luis Obispo County, Inc., (CAPSLO) in the amount of \$67,500. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Veterans Services Items:**

- 25. Request to approve the replacement of the current contract between the County and Community Action Partnership of San Luis Obispo (CAPSLO) with a Memorandum of Understanding (MOU) that continues the collaborative partnership and sharing of County office space with CAPSLO, supports CAPSLO's expansion of the Supportive Services for Veterans Families (SSVF) program, and amends the Position Allocation List (PAL) for Fund Center 186 - Veterans Services by deleting 1.00 Full Time Equivalent (FTE) Limited Term Assistant Veterans Services Officer position. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-176, adopted.**

**Public Comment Period:**

- 26. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Mr. Eric Greening:** discusses items that will be considered at a special meeting regarding prohibiting oak woodland and native tree removal and new ag ponds.

**Ms. Patrick McGibney:** presents a video of “pot farms” in California Valley and requests the County provide the community with building code and law enforcement assistance.

**Ms. Martha Brand:** addresses an upcoming agenda item regarding traffic studies for the Avila Valley area.

**Ms. Gary Kirkland:** speaks to raising civility; the use of false reasoning and urges a point of order be called when this occurs during meetings.

**Mr. Jim Irving:** comments on rural properties turning into pot farms; and asks the Board not to enact the oak woodland urgency ordinance and refer this matter back to the Planning Commission.

**Dr. C. Hite:** discusses concerns regarding monarch butterflies and their local habitat (video).

**Mr. Ben DiFatta:** speaks to a Supervisor’s conflict of interest.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** highlights local matters regarding the closure of Diablo Canyon; the proposed half-cent sales tax; workforce-housing plan; and special meeting regarding urgency ordinances. **No action taken.**

**Hearings:**

27. Hearing to consider (1) a resolution approving amendments to the 2010, 2011, 2012, 2013 and 2014 Action Plans to reallocate \$236,418 of Community Development Block Grant (CDBG) funds from the City of Atascadero to the City of Morro Bay; and (2) a resolution approving an amendment to the 2011 Action Plan to reallocate \$4,169 City of Arroyo Grande CDBG funds. All Districts.

**Mr. Tony Navarro – Planning and Building:** presents the hearing.

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-177, a resolution approving amendments to the Urban County of San Luis Obispo’s 2010, 2011, 2012, 2013 and 2014 Action Plans to reallocate Community Development Block Grant (CDBG) funds to the City of Morro Bay’s “Pedestrian Accessibility Project”; and RESOLUTION NO. 2016-178, a resolution approving an amendment to the Urban County of San Luis Obispo’s 2011 Action Plan to reallocate City of Arroyo Grande CDBG funds, adopted.**

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

28. Hearing to consider a resolution authorizing the addition of delinquent service charges for County Service Area 23 (Santa Margarita) to the 2016-17 Property Tax Bills. District 1.

**Ms. Joanne Hilker - Public Works:** presents the hearing and amends the District listed in the subject line to read “District 5” not “District 1”.

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-179, a resolution verifying delinquent service charges on County Service Area 23 – Water Service, adopted. Furthermore, the Board directs the Clerk to file the copy of the adopted resolution with the Auditor/Controller/Tax Collector/Treasurer (ACTT) prior to August 10, 2016.**

**Motion by:** Frank R. Mecham  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

29. Hearing to consider a resolution authorizing the collection of service charges within County Service Areas 1 (Old Galaxy Park and Tract 1690 – Nipomo), 1 A (Galaxy Park and Tract 1898 – Nipomo), 1-F (New Galaxy – Nipomo), 7 A (Oak Shores), 18 (San Luis Country Club Estates), and 21 (Cambria, Road Improvements). Districts 1, 2, 3 and 4.

**Ms. Joanne Hilker – Public Works:** presents the hearing.

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-180, a resolution of the Board of Supervisors acting as the governing Board**

of the San Luis Obispo County Service Area (CSA) Nos. 1 (Old Galaxy Park and Tract 1690 - Nipomo); 1-A (Galaxy Park and Tract 1898 - Nipomo); 1-F (New Galaxy - Nipomo); CSA 7-A (Oak Shores), CSA 18 (San Luis Country Club Estates); and 21 (Cambria, Road Improvements), confirming report and directing the collection of annual service charges on the county tax roll, adopted. Furthermore, the Board directs the Clerk to file the approved resolution and exhibit to the County Auditor/Controller/Treasurer/Tax Collector (ACTT) no later than August 10, 2016.

Motion by: Frank R. Mecham  
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Board Business:**

30. Submittal of a resolution approving the San Luis Obispo County Self Help Local Transportation Investment Plan. All Districts.

**Mr. Dave Flynn – Public Works Deputy Director, Mr. Ron De Carli – San Luis Obispo Council of Governments (SLOCOG) Executive Director; and Ms. Kendall Flint - Regional Government Services Authority:** provide the presentation (powerpoint).

**Supervisor Mecham:** questions how the State would distribute funding if all counties implement a self-help sales tax, with Ms. Flint responding.

**Supervisor Gibson:** comments on the need for the Legislator and Governor to agree on a fix to the overall State transportation funding problem; transportation funding impacts if this county doesn’t pursue this plan; the competitiveness with other counties to acquire State funding; and the importance for this county to develop a revenue stream that local jurisdictions can manage.

**Supervisor Arnold:** addresses the self-help concept; colleagues not prioritizing funds for road infrastructure during Budget Hearings; and her constituent concerns.

**Chairperson Compton:** opens the floor to public comment.

**Mr. Edward Veek; Ms. Jeannette Watson; Mr. Gary Kirkland; Mr. Ted Gilbert; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Eric Greening; Mr. Greg Grewal; Ms. Lea Brooks – Bike SLO County; Ms. Laura Mordaunt; Mr. Jorge Aguilar; Ms. Leslie Halls – Property and Business Owners Assessment President; Ms. Carolyn Atkinson; Ms. Andrea Seastrand; Ms. Sheila Healy; and Ms. Bev Phifer:** speak.

**Board Members:** address the concerns raised in public comment; and not denying the citizens the right to vote on this matter.

**Supervisor Arnold:** states infrastructure is important but cannot agree that a sales tax mechanism is the right approach.

**Chairperson Compton:** outlines the following reasons for not supporting this plan: her concern with the purpose of this Board if every issue was placed on a ballot for the citizens to vote; would be more likely to support this plan if the money was for the use of roads only; her responsibility as an elected official to speak for the “little guy” and those who feel they have no voice in their local government; a majority of her constituents are adamantly opposed to this plan; agrees this county has declining pavement condition index, deteriorating infrastructures, and California businesses are being impacted but so does having one of the biggest tax burdens in the United States; how the State’s diverting revenue elsewhere to satisfy the State’s annual budget; that she can’t support this nor ask citizens to support an additional tax burden increase when much of their taxes already paid are mismanaged; feels this is a regressive tax against the poor, taxpayers, “little guys” and seniors on a fixed income;

that there is not a lack of State and Federal monies going into Sacramento and none of it is coming back to the county; that State Senators are elected, in part, to lobby for tax dollars to be sent back for roads; that this shouldn't be a local problem to solve in this manner; comments on the State's truck rate fees which are being diverted to their general fund; the potential implementation of a California Road Charge Pilot Program; and states she will be voting no today and on all future votes.

**RESOLUTION NO. 2016-181, a resolution approving 2016 San Luis Obispo County Self-Help Transportation Investment Plan, adopted.**

**Motion by:** Adam Hill  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)		x		
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

**Closed Session Items:**

**31.** The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A. 15-09-001; (4) Edmond Paul Price v. County of San Luis Obispo, et al.; (5) Save Adelaida, et al. v. County of San Luis Obispo, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (6) San Luis Obispo Government Attorney's Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel's Association (DCCA); (9) Sheriffs' Management; (10) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (11) Deputy Sheriff's Association (DSA); (12) District Attorney Investigators' Association (DAIA); (13) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

**Chairperson Compton:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board provided authority on a five zero vote to authorize the county to intervene in the Pacific Gas & Electric Company's 2017 General Rate Case A. 15-09-001 and intervene any other actions or proceedings that may impact the operation and or the proposed closure of the Diablo Canyon Power Plant. Furthermore, the Board goes into open public session.

**Presentations:**

**32.** Submittal of resolutions recognizing Lesa Gofourth for thirty years and Vicki Fogleman for thirty-five years of County service. All Districts.

**Ms. Natalie Walter – Human Resources:** introduces recipient Lesa Gofourth – Assessor’s Office.

**Mr. Tom Bordonaro – Assessor and Ms. Gofourth – Assessor’s Office:** speak.

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-182, a resolution commending Lesa Gofourth in recognition of thirty years of service with San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Ms. Walter:** introduces recipient Vicki Fogleman – District 1 Legislative Assistant.

**Ms. Fogleman:** speaks.

**Chairperson Compton:** opens the floor to public comment.

**Mr. Jim Irving:** speaks.

**RESOLUTION NO. 2016-183, a resolution commending Vicki Fogleman in recognition of thirty-five years of service with San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Board Business:**

33. Request to authorize the processing of amendments to the Land Use Ordinance (Title 22 of the County Code) to create an Inland Vacation Rental Ordinance for the Adelaida area of the county. The item is exempt from CEQA. District 1.

**Mr. Airlin Singewald – Planning and Building:** provides the staff presentation (powerpoint).

**Supervisor Gibson:** questions the location requirement exemption for existing vacation rentals; how the affected areas are defined; and addresses having a framework for regulating vacation rentals countywide, with Mr. Singewald and Supervisor Mecham responding.

**Supervisors Mecham, Arnold, and Chairperson Compton:** discuss their concerns regarding: properties contracted under the Williamson Act, not knowing the allowances nor having a definitive determination from the Department of Conservation; the ability for small family farms to build secondary sources of income; the need for more information such as identifying all the parcels, complaints, and properties under the Williamson Act within the boundaries of the problem area.

**Chairperson Compton:** opens the floor to public comment.



**Ms. Kathy Stone; Mr. Larry Stone; Ms. Diane Burkhart; Ms. Susan Dokulil; Ms. Alice Griselle; Ms. Cheryl Wirezorek; Mr. Jim Irving; Ms. Colleen Runyen; and Ms. Kim Routh (letter):** speak.

**Supervisor Gibson:** addresses a concern regarding the location requirement; and considers an interim ordinance indicating that any vacation rental application between now and the start of the ordinance does not vest the distance location, with Board Members responding.

**The Board reviews the proposed amendment and authorizes processing.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, July 12, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** July 15, 2016